

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

NAVY SEALs 1-3, *et al.*,

Plaintiffs,

v.

LLOYD J. AUSTIN, III in his official capacity as
United States Secretary of Defense, *et al.*,

Defendants.

Case No. 4:21-cv-01236-O

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully provide notice of an indicative ruling by Judge Merryday in the Middle District of Florida in a case brought by a certified class of Marines challenging the armed services' rescinded COVID-19 vaccination requirement under the Religious Freedom Restoration Act and the First Amendment. The district court determined that the "challenged and preliminarily enjoined mandate no longer exists, and the issue unifying the injunctive class no longer exists." *See* Order, ECF No. 291, *Col. Fin. Mgmt. Off. v. Austin*, No. 8:22-cv-1275-SDM-TGW (M.D. Fla. Apr. 3, 2023), Ex 1. Accordingly, the district court found that "[u]nder Rule 62.1, Federal Rules of Civil Procedure, 'if the court of appeals remands for th[is] purpose,' an order by the district court (barring some unforeseen event) will grant the defendants' motions (Doc. 200 in 8:21-cv-2429 and Doc. 275 in 8:22-cv-1275) to dissolve the preliminary injunctions, to de-certify the class of Marines, and to dismiss the complaints as moot." *Id.*

Dated: April 4, 2023

Respectfully submitted,

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